

1

## EXHIBIT 29

2 HARVARD THEN-PRESIDENT CLAUDINE GAY RESPONDING TO SUPREME COURT RULING

3 <https://www.nbcnews.com/politics/supreme-court/supreme-court-strikes-affirmative-action-programs-harvard-unc-rcna66770>

4 [e-action-programs-harvard-unc-rcna66770](https://www.nbcnews.com/politics/supreme-court/supreme-court-strikes-affirmative-action-programs-harvard-unc-rcna66770)

5 At 1:46 of the video clip

The screenshot shows a news article from NBC News about the Supreme Court's decision. The headline reads "Supreme Court strikes down college affirmative action programs". Below the headline is a video player showing a woman with glasses and a dark blazer speaking. The video interface includes a timestamp of 03:03, a "BREAKING NEWS" banner, and the name "CLAUDINE GAY HARVARD UNIVERSITY PRESIDENT-ELECT".

6

1

**EXHIBIT 30**2 **PROFESSOR JANELLE WONG AND PROFESSOR VIET THANH NGUYEN'S LA TIMES OPINION**3 **PIECE**4 [https://www.latimes.com/opinion/story/2023-06-14/affirmative-action-supreme-co](https://www.latimes.com/opinion/story/2023-06-14/affirmative-action-supreme-court-harvard-case-asian-americans)5 [urt-harvard-case-asian-americans](#)**Los Angeles Ti**

SUBSCRIBE

LOG IN



## Opinion: Affirmative action isn't hurting Asian Americans. Here's why that myth survives



Supporters of affirmative action in higher education rally in front of the U.S. Supreme Court before oral arguments in Students for Fair Admissions vs. President and Fellows of Harvard College and Students for Fair Admissions vs. University of North Carolina on Oct. 31, 2022. (Chip Somodevilla / Getty Images)

By Janelle Wong and Viet Thanh Nguyen

6

1

## EXHIBIT 31

2

### STATE AUDIT OF UC BERKELEY'S ADMISSIONS IN 1987

3

4 <https://www.auditor.ca.gov/pdfs/oag/p-722.pdf>

1

## EXHIBIT 32

2

### UC BERKELEY CHANCELLOR'S APOLOGY IN 1989

3

<https://www.latimes.com/archives/la-xpm-1989-04-07-mn-1075-story.html>

4

CALIFORNIA

## UC Berkeley Apologizes for Policy That Limited Asians

L.A. Times Archives

April 7, 1989 12 AM PT

 Share

SPECIAL TO THE TIMES

OAKLAND — Seeking to put to rest a five-year dispute, UC Berkeley Chancellor Ira Michael Heyman apologized Thursday for admissions policies that caused a recent decline in Asian undergraduate enrollment and pledged to help change those entrance requirements.

“It is clear that decisions made in the admissions process indisputably had a disproportionate impact on Asians,” Heyman said at a press conference here with leaders of the local Asian community. “That outcome was the product of insensitivity. I regret that that occurred.”

Heyman said he could not determine whether officials who developed and implemented the admissions policies were intentionally trying to set a ceiling on Asian enrollment, as members of the Asian community have charged.

5

6

1

## **EXHIBIT 33**

2

### **SURVEY OF COLLEGE ADMISSIONS DIRECTORS**

3

4 <https://www.insidehighered.com/news/survey/pressure-build-class-2016-survey-admissions-directors>

6

### **Admissions Directors on Asian-American Applicants**

<b>Statement</b>	<b>Public</b>	<b>Private</b>
	<b>% Yes</b>	<b>% Yes</b>
Do you believe that some colleges are holding Asian-American applicants to higher standards?	39%	42%
At your college, do Asian-American applicants who are admitted generally have higher grades and test scores than other applicants?	41%	30%

7

1

## EXHIBIT 34

2

### FORMER DARTMOUTH ADMISSION OFFICER ON DISCRIMINATION AGAINST ASIANS

3

[https://www.huffpost.com/entry/the-ivy-league-asian-prob\\_b\\_10121814](https://www.huffpost.com/entry/the-ivy-league-asian-prob_b_10121814)

From where we sit as advocates for transparency in admissions and as advocates for high school students and their parents, the complaint is valid. I've seen from the inside (as a former admissions officer at Dartmouth College) how even the so-called "holistic process" can discriminate against Asian students. I share some of this insider information here:

Behind the Scenes in an Ivy League Admissions Office. Often high-scoring Asian applicants with top GPA's were seen as "passive," "robotic," and "just another violin/piano playing standout" with "lack of spark." Though I don't think discrimination was intentional, there persisted a stereotype that the majority of Asian applicants were strong in math/science, played the violin or piano at a high level, attended Chinese (or Korean) school on weekends and often did tutoring, Kumon, high level math contests and award-centered activities like Academic Decathlon or Quiz Bowl. At committee discussions, Asians students were often rejected because they "didn't stand out," were "too quiet," "low impact" or "too one-sided."

Having seen this kind of discrimination first-hand working in an Ivy League admissions office, it comes as no surprise that working with students in private consulting for the past 20 years, we've seen continued discrimination. We tell the Asian clients we work with (both US citizens and international students) that it's not good enough to have the "average" Ivy SAT scores of 730 or so - if you are Asian, you have to be well above average (a third party study proved that number was actually 140 points higher than the average for white students) to get into top US Colleges. We also focus our Asian clients on high level reading and vocabulary as the quickest way for Asians to be rejected is a low Critical Reading score on the SAT. Though 800's on the SAT math section is de rigueur, fewer Asian students excel on the Critical Reading section of the SAT. We put our younger students on a strict reading and vocabulary program for this reason. As educators first, we want our students to have college choices, of course, but we also want them to deepen their love of learning and ability to embrace and even enjoy the classics.

4

1

## EXHIBIT 35

2 EXCERPT FROM THE SFFA'S LEGAL COMPLAINT ABOUT ASIAN-AMERICAN APPLICANTS AND  
3 THEIR FAMILIES

E. **Asian-American Applicants And Their Families Know That They Are  
Being Discriminated Against By Elite Universities.**

262. Asian Americans are not blind to the discrimination employed by Harvard and other elite colleges and universities.

263. According to Princeton economist Uwe Reinhardt, “within the Asian community, of which I’m a part, there’s this feeling that, for you to get into Harvard or Princeton, you’ve got to be better than everybody else.”

264. According to Kara Miller, a former Ivy League admissions officer, “Asian kids know that when you look at the average SAT for the school, they need to add 50 or 100 to it. If you’re Asian, that’s what you’ll need to get in.”

265. For example, Iris Wang, a senior at Hunter College High School, one of the best public high schools in America, scored a 1520 SAT score and had top grades. Her

60

father is a chemist and her mother a postal worker. She was rejected by Harvard, as well as numerous other schools. According to Wang, “All the schools basically say, ‘we don’t discriminate.’ But I went to the Columbia session and they said they value a multicultural community. If they want to be multicultural, there’s only so many of one culture they can take.”

266. Daniel Golden, the Pulitzer Prize-winning reporter then of *The Wall Street Journal*, described Jamie Lee, who applied to Harvard, as well as six other elite private schools: According to Mr. Golden, “Jamie Lee was a superb student. Born in Hong

4

1

## EXHIBIT 36

2

### **EXCERPT FROM THE SFFA'S LEGAL COMPLAINT ABOUT COLLEGE COUNSELORS**

industry knows that.” Without affirmative action, “our elite campuses will look like UCLA and Berkeley,” and “[t]hat wouldn’t be good for Asians or for anyone else.”

D. **College Counselors Acknowledge Discrimination Against Asian Americans At Elite Universities.**

252. College counselors and advisors recognize that discrimination against Asian Americans occurs at elite universities such as Harvard and thus tell Asian Americans to hide their identity, to emphasize personal characteristics that avoid Asian stereotypes, and, in many cases, to lower their expectations and apply elsewhere.

253. For example, the Princeton Review, the leading guide to college admissions, gives specific recommendations for Asian-American students applying to elite schools such as Harvard on how to overcome these schools’ anti-Asian-American bias. Its recommendations are both honest and discouraging.

254. According to the Princeton Review: “Asian Americans comprise an increasing proportion of college students nationwide. Many Asian Americans have been extraordinarily successful academically, to the point where some colleges now worry that there are ‘too many’ Asian Americans on their campuses. Being an Asian American can now actually be a distinct disadvantage in the admissions processes at some of the most selective schools in the country. Increasingly, the standard for affirmative action isn’t minority status, but under-represented minority status. Since Asian American populations at many colleges exceed the proportion of Asian Americans to the population of the state or country as a whole, Asian Americans are a minority, but not an under-represented minority, at those colleges.... If you are an Asian American—or even if you simply have an Asian or Asian-sounding surname—you need to be careful about what you do and don’t say in your application.”

1

## EXHIBIT 37

2

### ASIAN-AMERICAN APPLICANTS TRIED TO APPEAR “LESS ASIAN”

3

[https://www.nytimes.com/2022/12/02/us/asian-american-college-applications.html?unlocked\\_article\\_code=1.pk4.Oskn.OpS2fQgjTg2C&smid=url-share](https://www.nytimes.com/2022/12/02/us/asian-american-college-applications.html?unlocked_article_code=1.pk4.Oskn.OpS2fQgjTg2C&smid=url-share)

4

5

The New York Times

---

## *Applying to College, and Trying to Appear ‘Less Asian’*

The affirmative action lawsuit against Harvard seemed to confirm advice given for years to Asian Americans: Don’t play chess, don’t check the box declaring race.

6

7

8

---

When it came time to fill out his college application form, Max Li chose not to declare his race. Even though he knew his last name sounded Chinese, he selected “prefer not to say.”

Clara Chen was advised to avoid the Advanced Placement exam for Chinese because college admissions officers might assume, based on her last name, that she already spoke the language, which could undermine the value of her score. She took the test for Advanced Placement French instead.

When Marissa Li was growing up, she loved playing competitive chess, and spent hours studying the matches of some of her favorite players, like Bobby Fischer. But on her college application, she barely mentioned her interest in the game because she was afraid that it might come across as too stereotypically Asian.

<sup>1</sup>

<sup>2</sup>

<sup>3</sup> \_\_\_\_\_

Sasha Chada, the founder of Ivy Scholars, a college admissions counseling company based in Texas, said that while his company’s Latino clients often emphasized their ethnicity and their engagement with Hispanic cultural organizations on their college applications, his company frequently gave Asian American students the opposite advice, urging them to shift away from “classically Asian activities” to improve their chances of getting into the country’s elite universities.

<sup>4</sup>

<sup>5</sup>